

**Docket No:** 09-0314  
**Bench Date:** 9/22/10  
**Deadline:** N/A

**M E M O R A N D U M**

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**TO:** The Commission

**FROM:** Bonita A. Benn, Administrative Law Judge

**DATE:** September 8, 2010

**SUBJECT:** Illinois Commerce Commission  
On Its Own Motion  
-vs-  
Delta Communications, LLC d/b/a Clearwave  
Communications

Investigation into whether Intrastate Access Charges of  
Delta Communications, LLC d/b/a Clearwave  
Communications are just and reasonable.

**RECOMMENDATION:** Dismiss the Investigation as being statutorily moot.

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On July 8, 2009, the Illinois Commerce Commission ("Commission") initiated an investigation into whether the intrastate interexchange access rates of Delta Communications, LLC d/b/a Clearwave Communications ("Respondent") were just and reasonable. On May 7, 2010, Commission Staff ("Staff") filed a Motion to Stay requesting the matter be stayed pending gubernatorial action upon Senate Bill 107 ("SB 107"). The proposed bill required telecommunications carriers providing intrastate access service to reduce the intrastate access rates to the level of their interstate access rates no later than June 30, 2013. The Administrative Law Judge granted the Motion on May 10, 2010.

On June 15, 2010, the Governor signed SB 107 as Public Act 96-927 ("PA 96-927"). PA 96-927 resolved the Commission's investigation by operation of law. Subsequently on July 8, 2010, Staff filed a Motion to Dismiss the proceedings as being statutorily moot. The Respondent and Interveners had no objection to the Motion to Dismiss and no evidence has been admitted into the record in this proceeding.

Accordingly, I recommend that the Commission dismiss the investigation against Delta Communications, LLC d/b/a Clearwave Communications as being statutorily moot.

BAB:jt